

Judge rules sex offender data in Benton County not public information

By Tyler Richardson, Tri-City Herald
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A Tri-City judge ruled Wednesday the personal information of low-level sex offenders in Benton County is not public information and shouldn't be released to a Mesa woman.

Judge Bruce Spanner's ruling comes after more than a month of deliberation about whether the data should be released to Donna Zink.

Zink has no "legitimate interest" in it, Spanner wrote in his 13-page decision. The information, if released, would cause irreparable harm to more than 400 Level 1 sex offenders.

Spanner said the information is considered confidential under other state and federal statutes and therefore is exempt from release.

"There is no showing that the information requested is either relevant or necessary," Spanner wrote. "Our Supreme Court has determined that Level 1 sex offender registration is in most instances 'confidential' and that the public has 'no legitimate' interest therein because those offenders do not pose any threat to the community."

Zink -- the former mayor of Mesa who sued the city in 2003 for withholding other kinds of public documents -- requested in July the names, birthdates, addresses, pictures and other information of the Level 1 offenders.

She requested the same information from Franklin County, and it has been released.

Zink has been in a legal fight with several Tri-City lawyers since making her request. She has said she plans to create an online database of the offenders because she believes people should know where someone convicted of any type of sex offense is living. She has said in court that Level 1 offenders can be dangerous, citing a recent Richland case in which a low-level offender is charged with raping and killing an infant.

Registration information for Level 2 and 3 offenders is routinely posted on sheriff department websites. But Level 1 offenders are considered the least likely to reoffend, and their information is not made public unless they fail to register.

The Benton County Superior Court ruling, however, only blocks the release of the personal information of 14 sex offenders.

Richland attorney John Ziobro, who represents those offenders, was the first to have his case for a permanent injunction heard.

Spanner granted the injunction, but it can be appealed to a higher court.

"For my clients, it's great," Ziobro said. "I haven't spoken to any of them, but I am sure they are ecstatic."

Lawyers for other clients told the Herald they are optimistic Spanner's ruling will be applied to their cases.

A temporary injunction was in place to prevent the county from releasing any low-level sex offender's personal information.

Benton County prosecutors do not agree with Spanner's ruling, saying the information should be released to Zink.

"There's still a whole lot left up in the air," said Ryan Lukson.

Richland attorney Greg Dow represents 20 other Level 1 offenders and is trying to form a class-action lawsuit to provide the majority of Level 1 offenders legal representation so they also can try to prevent the release of their personal information.

Spanner previously denied Dow's request, but he's filed an appeal.

"There's a lot of cleanup work left," said Dow, who praised Spanner's decision. "We need to find out what impact the judge thinks this has on the people who are not named as plaintiffs. There's 390 guys out there wondering, 'Am I protected or not?'"

Zink, who has been representing herself, could not be reached about the decision but took to social media Wednesday to blast the ruling. She said she is frustrated the court system is protecting sex offenders.

Zink wrote that Spanner's ruling will not stop her attempts to get the information.

"After all this they would serious(ly) think I was going to roll over," Zink wrote. "Let me give you a clue, when someone works this hard they are not going to quit. At least not till the Supreme Court weighs in. That is what appeals are for."

Zink has requested offender information from the Washington State Patrol database and from Yakima County. Temporary injunctions are in place in King County and Yakima County preventing the information from being released.

The state American Civil Liberties Union has gotten involved in the case with the state patrol. ACLU spokesman Doug Honig said attorneys are reviewing Spanner's decision.

Zink also requested around 80,000 emails from Benton County. The emails contain sex offender information and other sensitive police information. Spanner ruled information in the emails not pertaining to sex offenders can be released to Zink.

Zink's county requests for sex offender information could slow down a potential appeal, Lukson said.

Zink can't appeal a decision in her case until the county is done reviewing the emails. Lukson said it could take several years to do that.

If Zink withdraws the email request, it could speed up her potential appeal, Lukson said.

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